IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE EIGHTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 7645 of 2005

Between:

Gorle Swaminaidu S/o Chidambaram
R/o Lagarai (V), Rajavommangi Mandal, East Godavari

District

..... PETITIONER

AND

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1 The Additional Agent to the Govt East Godavari District

at Ramapachodavaram.
2 The Special Deputy Collector (TW) Rampachodavaram,

East Godavari District.
3 The Mandal Revenue Officer, Rajavommangi, East

Godavari District.
4 The Special Deputy Tahsildar Rajavommangi, East

Godavari District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue appropriate Writ or order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the respondents in evicting the petitioner from the land to an extent of ac. 8.50 cents of Land in Sy. No. 1/11 (1-19,20,21) of Lagarai Village, Rajavommangi mandal, East Godavari District in pursuance of the order passed by the 2nd respondent in LTRP NO. 1/2004 dt 14-10-2004 as illegal, arbitrary and unjust and consequently direct the respondents not to evict the petitioner from the above land pending disposal of the appeal or stay petition preferred before the 1st respondent and to pass such other order or orders as this Hon'ble Court may deem fit and proper

Counsel for the Petitioner: MR.K.VENKATESH

Counsel for the Respondents: GP FOR SOCIAL WELFARE

The Court at the admission stage made the following :

ORDER:

This Writ Petition is filed to issue a Writ of Mandamus declaring the action of the respondents in evicting the petitioner from the land to an extent of ac. 8.50 cents of Land in Sy. No. 1/11 (1-19,20,21) of Lagarai Village, Rajavommangi mandal, East Godavari District in pursuance of the order passed by the 2nd respondent in LTRP No.1/2004 dated 14-10-2004 as illegal and arbitrary.

The claim of the petitioner is that he has been in possession and enjoyment of the land in question since before commencement of the Act 1/59 as amended by the 1/70 Regulation. The second respondent, by an order dated 14-10-2004, ordered for eviction of the petitioner from the land in question for restoration of the same to the Government for onward distribution to eligible tribals. Challenging the same, the present writ petition is filed.

Heard the learned counsel for the petitioner and the learned Government Pleader for Social Welfare appearing for the respondents.

It is stated in the affidavit filed in support of the writ petition that against the order of the 2nd respondent in L.T.R.P.No.1 of 2004 dated 14-10-2004, an appeal has been preferred by the petitioner before the first respondent and it is pending. Hence, the petitioner cannot be permitted to prosecute two parallel proceedings in respect of the same cause of action.

Therefore, the Writ Petition is disposed of, with a direction to the first respondent to dispose of the appeal, if any, preferred by the petitioner against the impugned order, within a period of four weeks from today. Status quo existing as on today, shall be maintained till the disposal of the appeal. No costs.

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K.C. Bhanu, J.

7th April 2005

js.

To

1 The Additional Agent to the Govt East Godavari District

at Ramapachodavaram.
2 The Special Deputy Collector (TW) Rampachodavaram,

East Godavari District.
3 The Mandal Revenue Officer, Rajavommangi, East

Godavari District.
4 The Special Deputy Tahsildar Rajavommangi, East

Godavari District.

5 Two CCs to G.P. for Social Welfare, High Court Buildings,

Hyderabad.

6 2 CD copies.